

**REMARKS**

**Status of the Application**

Claims 1-25 are the claims that have been examined in the application. Claims 1, 4, 7, 10, 13, 15, 17, 19, 21, 22 and 25 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Some et al. (U.S. Patent 5,841,148). Claims 2, 3, 5, 6, 8, 9, 11, 12, 14, 16, 18, 20, 23 and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Some in view of Yanagita et al. (U.S. Patent 6,415,049 B1).

**Claim Rejections - 35 U.S.C. § 102**

*Claims 1, 4, 7, 10, 13, 15, 17, 19, 21, 22 and 25 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Some et al. (U.S. Patent 5,841,148).*

Claim 1 recites, in part, “a correction means for correcting an image which has been judged to have undergone image processes, to correct the image to a state equivalent to its original state prior to the image processes, based on the image processing condition data attached thereto,” and “the inter image calculation means performs the inter image calculation employing the corrected image, for the image which has been judged to have undergone image processes.” The Examiner alleges that Some discloses all of the aspects of claim 1. Applicant respectfully disagrees.

Some discloses an image processing apparatus in which a temporary memory is used to compare image data for image regions having similar shape and storing said image data. The image data is corrected to ensure that the image regions coincide with a reference image region, the reference image region being one of the two stored image regions. As noted in col. 4, lines

9-18 and 27-32, Some indicates that image correction is performed *before* inter-image calculation processing is performed (i.e. rotation correction, movement correction, enlargement/reduction correction, affine conversion, etc is performed before inter-image processing). See col. 5, lines 19-23. Thus, the inter-image calculation processing is performed on image data that has undergone image processing. On the other hand, claim 1 recites that inter-image calculation on the corrected image. However, in claim 1, the corrected image is one which has been corrected to its *original state prior to the image processes*. Therefore, Some cannot anticipate claim 1, as Some fails to disclose all of the elements of claim 1.

The Examiner alleges that items 200, 202, 204, 206, and 208 of FIG. 6 disclose the correction means recited in claim 1. However, according to col. 12, line 65-col. 13, line 25, each of items 200, 202, and 204 performs an image process step, which element 206 performs a subtraction process on the previously processed image. Thus, again, Some fails to correct an image back to its original state prior to the image processes before performing inter-image calculations, as recited in claim 1.

Therefore, for the reasons listed above, claim 1 is patentable over the applied art. Claims 7, 13, and 17 recite similar elements to claim 1, and are patentable for reasons analogous thereto. Claims 4, 10, 15, 19, 21, 22 and 25 are patentable at least by virtue of their respective dependencies.

**Claim Rejections - 35 U.S.C. § 103**

*Claims 2, 3, 5, 6, 8, 9, 11, 12, 14, 16, 18, 20, 23 and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Some, as applied to claims 1, 7, 13, 17 and 22, above in view of Yanagita et al. (U.S. Patent 6,415,049 B1).*

Claims 2, 3, 5, 6, 8, 9, 11, 12, 14, 16, 18, 20, 23 and 24 are dependent from claims 1, 7, 13 and 17, respectively. Because Some fails to disclose all of the aspects of claims 1, 7, 13 and 17 and because Yanagita fails to cure the deficient disclosure of Some, claims 2, 3, 5, 6, 8, 9, 11, 12, 14, 16, 18, 20, 23 and 24 are patentable over the applied art.

**Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

RESPONSE UNDER 37 C.F.R. § 1.111  
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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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